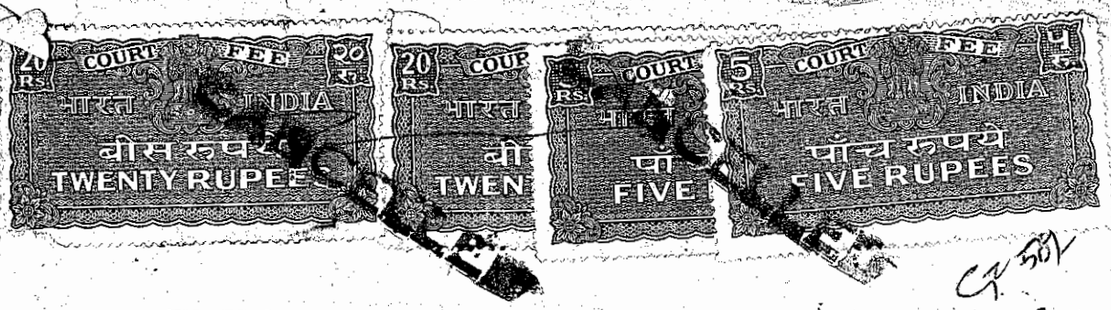

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

CF0000110237

MISC.PETITION NO. 2411 OF 1993

Between

1. Chhattisgarh Kalyan Samiti, a Society deemed to be duly registered under the Madhya Pradesh Societies Registrikaran Adhiniyam , 1973, having its Registered Office located in the Kalyan Mahavidyalaya Bhawan, Sector 7 , Bhilainagar , Tahsil and District Durg (M.P.), Through its Chairman Shri Rameshwar Prasad Mishra, aged about 57 years, son of late Shri Lakhan Lal Mishra , residing at present at 44- Maitrinagar, Phase No. I , Bhilainagar, Tahsil and District Durg (M.P.)

2. The Governing Body, Kalyan Mahavidyalaya, Bhilainagar, Tahsil and District Durg (M.P.), Through its Chairman , Shri Rameshwar Prasad Mishra, aged about 57 years, son of late Shri Lakhan Lal Mishra , residing at present at 44 - Maitrinagar, Phase No. I , Bhilainagar , Tahsil and District Durg (M.P.)

3. Shri Toran Singh Thakur, aged about 60 years, son of Shri Sukh Ram Thakur, Principal , Kalyan Mahavidyalaya, Bhilainagar, residing at present at 10-B , Street No.22, Sector No.2, Bhilainagar, Tahsil and District Durg (M.P.)

PETITIONERS

And

1. The State of Madhya Pradesh, Bhopal, City , Tahsil and District Bhopal (M.P.), Through the Chief Secretary , Government of Madhya Pradesh, Vallabh Bhawan, Bhopal, City, Tahsil and District Bhopal (M.P.)

...02/-

(B)

2. The Madhya Pradesh Uchcha Shiksha Anudan Ayog, constituted under the provisions of the Madhya Pradesh Uchcha Shiksha Anudan Ayog Adhiniyam, 1973, having its Registered Office at E-2, Arera Colony, Bhopal, City, Tahsil and District Bhopal (M.P.)

3. ~~The Governor, State of Madhya Pradesh - cum-~~ Kuladhipati, the Pandit Ravi Shanker University, Bhopal, City, Tahsil and District Bhopal (M.P.) Through the Personal Secretary, Raj Bhawan, Bhopal, City, Tahsil and District Bhopal (M.P.)

R E S P O N D E N T S

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS OF QUO-WARRANTO, CERTIORARI, PROHIBITION AND MANDAMUS AND FOR ORDER/ORDERS AND / OR DIRECTION /DIRECTIONS IN THE NATURE OF WRITS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.P. No. 2411/93 सन् 200

(1682)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.04.2002 Shri Satyawan Agrawal with Shri R.M. Solapurkar, learned counsel for the petitioners. Shri Sanjay K. Agrawal, Deputy Advocate General for respondents No.1 and 2. Heard. By this writ petition filed under Article 226/227 of the Constitution of India, petitioners challenge the impugned action of respondent No.2 in withholding the grant-in-aid to petitioner No.2 in respect of admissible pay and allowances payable to respondent No.3 with effect from 01.11.1992. Petitioner No.1 is a registered Society under the Provisions of M.P. Registration Act 1959 and petitioner No.2 is the Governing body of Kalyan Mahavidyalaya, established by petitioner No.1 which is affiliated to Ravi Shankar University. Petitioner No.3 Toran Singh Thakur was principal of Kalyan Mahavidyalaya.	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M-P 2411/93 सन् 200

विरुद्ध

183

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

-2-

It is submitted that respondent no.2 was not justified in withholding the grant-in-aid regarding pay and allowances payable to the petitioner no.3 with effect from 01-11-1992 till the date of extension which expired on 30th June 1995. Petitioners submit that they had received 100% grant-in-aid from the State and whatever fees collected from the Students is credited to the State ex-chequer and as such it is the liability of the State to make payment and give 100% grant-in-aid.

Apart from other documents, Annexure P/13 has been filed to show that the Joint Director of Education Department granted extension to petitioner no.3 for a period 01-11-1992 to 31-10-1993 vide order dated 19-5-1994 and it will be treated as special case. Counsel for the petitioner submits that though the claim has been made upto 30th June 1995, but in view of document Annexure P-1 by which extension was granted by the respondents ~~for two years~~, petitioner

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2411/93 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

ought to have been paid atleast upto 31st October 1993. So far as this aspect is concerned, learned counsel for the respondents has not disputed regarding grant of extension.

Having thus considered the facts and circumstances of the case and material on record, it is directed that the pay and allowances upto 31st October 1993 shall be paid to the petitioner within 4 weeks from the date of receipt/production of a copy of this order. If within 4 weeks, payment is not made, then interest will be accrued thereon @ 10% per annum.

Counsel for the petitioner submits that the petitioner no.3 is entitled to the pay and allowances upto 30th June 1995 i.e. from 1.11.1993 to 30.6.1995. So far as this aspect is concerned, its cause of action arose during the pendency of this petition.

It is directed that petitioners shall submit a detailed representation in this regard as early as possible within a month and on such representation be made, respondents

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP-2411/93 सन् 200

1857

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
/Rao/	shall consider the same in accordance with law as early as possible preferably within 3 months from the date of that representation. If the petitioners feel that the decision taken by the respondents is adverse to their interests, then they are at liberty to file the petition afresh. The petition is disposed of with the direction aforesaid. Sd/- Fakhruddin Judge	